

JUDGE WOODS

23MISC 0186



**EXHIBIT "A"**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re: DMCA Section 512(h) Subpoena  
To YouTube (Google, Inc.)

CIVIL ACTION NO. 23-CCB-0135

SUBPOENA TO PRODUCE DOCUMENTS OR INFORMATION  
PURSUANT TO 17 U.S.C. § 512(h)

To: Custodian of Records for: Google, Inc., 1600 Amphitheater Parkway, Mountain View, California 94043 by and through its registered agent Corporation Service Company, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, and electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

All identifying information, including subscriber registration information, the name(s), address(es), telephone number(s), any electronic mail addresses associated with the infringing YouTube account "Jincheng Zhang", and all logs of Internet Protocol addresses including the time stamps used to access the subject account and to upload videos available at the following URL:  
<https://www.youtube.com/watch?v=XicI4O0UkQq>

**Place:** Michelle Shocked  
45 Tudor City Place #2108  
New York NY 10017

**Date and Time:** 6/26/2023 10am ET

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

CLERK OF THE COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

The name, address, e-mail address, and telephone number of the Pro Se Plaintiff, Michelle Shocked, who issues or requests this subpoena is:  
45 Tudor City Place #2108 New York NY 10017 contact@michelleshocked.com (917) 341 7735

**Notice to the person who issues or requests this subpoena**

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

▯ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

▯ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.: \_\_\_\_\_

1 • All documents concerning the YouTube account in which an infringing party posted audiovisual content:  
**5 am in Amsterdam Michelle Shocked - Jincheng Zhang (Official Music Video)**

URL <https://www.youtube.com/watch?v=Xic14O0UkQg>

2 • All documents for which an infringing party submitted a DMCA counternotice for the YouTube Channel:  
**Jincheng Zhang find the real music title 9**

URL <https://www.youtube.com/@jinchengzhangfindtherealmu7778>

3 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang helps you find the real music title**

URL <https://www.youtube.com/@jinchengzhanghelpsyoudt5968>

4 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang**

URL <https://www.youtube.com/@JinchengZhang>

5 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang Second Channel**

URL <https://www.youtube.com/c/JinchengZhangSecondChannel>

6 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang find the real music title 10**

<https://www.youtube.com/@jinchengzhangfindtherealmu5660>

7 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang find the real music title 8**

URL <https://www.youtube.com/@jinchengzhangfindtherealmu6963>

8 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang find the real music title 7**

URL <https://www.youtube.com/@jinchengzhangfindtherealmu6125>

9 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang find the real music title 6**

URL <https://www.youtube.com/@jinchengzhangfindtherealmu5460>

10 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang find the real music title 5**

URL <https://www.youtube.com/@jinchengzhangfindtherealmu2454>

11 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang find the real music title 4**

URL <https://www.youtube.com/@jinchengzhangfindtherealmu6874>

12 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang find the real music title 3**

URL <https://www.youtube.com/@jinchengzhangfindtherealmu9871>

13 • All documents concerning the YouTube account related to the infringing party for the YouTube Channel:  
**Jincheng Zhang find the real music title 2**

URL <https://www.youtube.com/@jinchengzhangfindtherealmu921>



**YouTube Copyright Complaint Submission**

4/11/23 11:26 PM

From: "YouTube Copyright" <youtube-disputes+1c1lkzpfz1qk307@google.com>

To: googleplus@michelleshocked.com



**Copyright Infringement Notification Confirmation**

Thank you for submitting a copyright takedown request. Your request will be reviewed to make sure it's valid and includes all required elements.

In your request, you have asked that we remove the videos and prevent any copies from being uploaded in the future. We'll reply to this email when we've taken action on your request.

To check the status of your takedown request, go to the 'Removal requests' tab in YouTube Studio's Copyright page. From here, you can also turn off the "Prevent copies" feature. This is the feature that makes best efforts to prevent copies of the videos you asked us to remove from being reuploaded to YouTube.

Keep in mind that this feature should only be selected when you have exclusive worldwide rights to the content specified in your takedown request.

Here is the information you gave us:

- Copyright Owner Name (Company Name if applicable): Michelle Shocked
- Your Full Legal Name (Aliases, usernames or initials not accepted): Michelle Shocked
- Your Title or Job Position (What is your authority to make this complaint?): owner of copyright
- Address:
  - 1850 Industrial St
  - Los Angeles, CA 90021
  - US
- Username: Michelle Shocked
- Email Address: googleplus@michelleshocked.com
- Phone: (213) 415-1720
- URL of allegedly infringing video to be removed: <https://www.youtube.com/watch?v=Xic1400UkQg>
- Describe the work allegedly infringed: My original song
  - Title of original song: 5 AM In Amsterdam
  - Where does the content appear? Entire video
- Country where copyright applies: US
- I state UNDER PENALTY OF PERJURY that:
  - I am the owner, or an agent authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
  - I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
  - This notification is accurate.
  - I acknowledge that under Section 512(f) of the DMCA any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability for damages.
  - I understand that abuse of this tool will result in termination of my YouTube channel.
- Authorized Signature: Michelle Shocked

– The YouTube Team

[Help Center](#) • [Email Options](#)

You received this email to provide information and updates around your YouTube channel or account.



© 2021 Google LLC d/b/a YouTube, 901 Cherry Ave, San Bruno, CA 94066

On Apr 12, 2023 googleplus@michelleshocked.com wrote:

Video IDs: Xic1400UkQg



## United States Copyright Claims Board

Michelle Shocked

Jincheng Zhang

CLAIMANT

V.

RESPONDENT

## Filing receipt

Docket 23-CCB-0135

Type A claim for infringement

Would you like to  
proceed as a  
"smaller claims"  
proceeding  
(including the  
\$5,000 monetary  
limit) instead of  
the standard CCB  
small claims  
proceeding?

Yes

## Claimant

## Name

Michelle Shocked

## Email address

account@michelleshocked.com

## Phone number

917-341-7735

## Address

45 Tudor City Place #2108  
New York, NY 10017Authorized representative  
information

## Name

Michelle Shocked

## Email

account@michelleshocked.com

## Phone

917-341-7735

## Address

45 Tudor City Place  
#2108  
New York, NY 10017

I represent this claimant

## Respondent

## Name

Jincheng Zhang

## Email

zjc1639834588@gmail.com

## Phone

650-214-3010

## Address

901 Cherry Ave  
San Bruno, CA 94066

Infringement  
claim: Works  
infringed

## Title of work

5 AM in Amsterdam

## Author(s)

Michelle Shocked  
 Has the work been registered by the  
 Copyright Office?

Yes

Registration number

PA0000374062

Effective date

05/26/1988

Type of work

Musical (such as the underlying  
 musical composition)

Describe the work

5 A.M. in Amsterdam, words and  
 music by Michelle Shocked

Infringement  
 claim: Wrongful  
 activities

Wrongful activities

Publicly perform the work  
 Create a derivative work  
 Distribute copies of the work  
 Reproduce the work

Is the infringement ongoing?

No

Infringement dates

June 6, 2022 - April 13, 2023

Where the alleged infringing acts  
 occurred, such as a physical place or  
 online. If unknown, type unknown.

On the YouTube channel 'Jincheng  
 Zhang find the real music title 9"  
[https://www.youtube.com](https://www.youtube.com/@jinchengzhangfindtherealmu7778)  
 /@jinchengzhangfindtherealmu7778  
 on a video titled "5 am in Amsterdam  
 Michelle Shocked – Jincheng Zhang  
 (Official Music Video)" [https://youtu.be](https://youtu.be/v=XicI4O0UkQg)  
 /v=XicI4O0UkQg. The details providing  
 the location of the channel states it to be  
 located in the United States. I have a  
 good faith intention to file a 512H  
 subpoena with the Northern District Court  
 by Jun 10th, requesting YouTube to  
 produce documentation confirming that  
 the Respondent is operating this channel  
 within the United States, and that the  
 business activity concerning to this  
 channel is within the United States.

Describe the infringement

Respondent "Jincheng Zhang" created an  
 unauthorized derivative work of my  
 musical work, "5 AM in Amsterdam." The  
 Respondent uploaded this unauthorized  
 derivative work to the YouTube channel  
 'Jincheng Zhang find the real music title  
 9." The musical work was published by  
 the respondent without a performance  
 license. The musical work was published  
 by the respondent without an audiovisual  
 sync license. The musical work was  
 published by the respondent without a  
 mechanical license.

When the Respondent filed a DMCA  
 counterclaim, the Respondent stated, 这个  
 视频里的所有元素都是我的100%的原创，  
 音乐是我的100%的原创，制作视频



用的图片也是我的100%的原创。

Translation:

"All the elements in this video are 100% original to me, the music is 100% original to me, and the images used to make the video are 100% original to me."

The musical work "5 A.M. in Amsterdam" is my registered, copyright-protected work.

In the counterclaim, the respondent stated, "I consent to the jurisdiction of the Federal District Court for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is located, and will accept service of process from the claimant."

The respondent operates several YouTube channels, including "Jincheng Zhang find the real music title 8"

<https://www.youtube.com/@jinchengzhangfindtherealmu6963>  
"Jincheng Zhang find the real music title 7"

<https://www.youtube.com/@jinchengzhangfindtherealmu6125>  
"Jincheng Zhang find the real music title 6"

<https://www.youtube.com/@jinchengzhangfindtherealmu5460>  
"Jincheng Zhang find the real music title 5"

<https://www.youtube.com/@jinchengzhangfindtherealmu2454>

The Respondent also maintains both a primary and secondary YouTube channels:

Primary YouTube channel "Jincheng Zhang"

<https://www.youtube.com/@JinchengZhang>

Secondary YouTube channel "Jincheng Zhang Second Channel"

<https://www.youtube.com/c/JinchengZhangSecondChannel>

The Respondent created a YouTube channel on Dec 3, 2020 titled "Jincheng Zhang Helps You Find 5968" at this URL location: <https://www.youtube.com/@jinchengzhanghelpsyoudt5968>

This YouTube channel also includes the following information in the description:

(Youtube Audio Library No Copyright Music) You can download and use this music for free in Youtube Audio Library. Jincheng Zhang helps you find the real music title. When you use software that recognizes music names, such as Shazam, SoundHound, etc., the wrong music name will appear, but it doesn't matter you can find the correct Youtube Audio Library No Copyright Music name here. You can find "Audio Library" on the left toolbar of your YouTube channel dashboard, enter "Audio Library" and you can download and use the music in it for free.

As best I understand this statement, the Respondent has also committed a

Section 1201 "circumvention of copyright...  
protection systems" violation.  
**Are any of the respondents online  
service providers?**

No

**Description of harm suffered and relief  
sought**

The harm from the alleged activity is the  
market devaluation of my exclusive  
intellectual property rights to license my  
works for derivative uses.

**Documentation**

[Texas Campfire Tapes - Musical Works -  
Recordation Certificate.pdf](#)  
[Universal Music Publishing Michelle  
Shocked Schedule A 2.jpg](#)  
[Universal Music Publishing Reversion  
Michelle Shocked.jpg](#)  
[YouTube DMCA Notice and Takedown 5  
AM in Amsterdam.pdf](#)  
[JCZ US.png](#)

**Your contact emails** [account@michelleshocked.com](mailto:account@michelleshocked.com)



## COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0135

May 2, 2023

Michelle Shocked

CLAIMANT

v.

Jincheng Zhang

RESPONDENT

### ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file an amended claim by **June 1, 2023**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. If you file an amended claim and it is found compliant, you will be notified and directed to proceed with service. There is no additional filing fee for an amended claim. 17 U.S.C. § 1506(f)(1)(B).

To make your amended claim compliant, you must resolve the issues identified below. **37 C.F.R. § 224.1(c)(2)**. You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim — just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible.

#### Foreign Respondent

The Board cannot hear a claim asserted against a person or entity residing outside the United States. 17 U.S.C. § 1504(d)(4). The claim must include the respondent's address. 37 C.F.R. § 222.2(c)(6).

In the claim form, you listed 901 Cherry Avenue, San Bruno, CA 94066 as the respondent's address. However, other information you have submitted to the Board appears to contradict the accuracy of that address. You allege that the respondent made a misrepresentation in a counter-notice sent to YouTube and you appear to quote the full counter-notice, including an address for the respondent in China. In addition, you listed the San Bruno address as YouTube's address in a separate proceeding pending before the Board, *Michelle Shocked v. Carol H. Chen and YouTube (Google LLC)*, 23-CCB-0148. Those filings indicate that the San Bruno address you provided for the respondent is really YouTube's address and that the respondent may be a resident of China. As a result, the Board may not be able to hear this claim.

In the "Describe the content of the counter-notice" section, you state that the respondent's counter-notice included the following: "I consent to the jurisdiction of the Federal District Court for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is

located[.]” However, even if the respondent consented to be sued in a federal court in California, that would not give the Board a basis to hear a claim against a foreign resident.

Because the respondent appears to be a foreign resident, we have not reviewed the remainder of your claim to determine whether it complies in other respects with the legal and formal requirements for a claim before the Board. If you submit an amended claim that resolves the foreign resident issue, the Board will engage in a full compliance review, so you should review the CCB Handbook and make sure the rest of your amended claim is compliant. If you file an amended claim, please include additional information in the “Describe the infringement” section of the claim detailing why you believe that the respondent is a United States resident and that the address you supplied is correct. If the San Bruno address provided in the claim form is incorrect but the respondent in fact resides in the United States, you should also correct the address in the “Respondent” section. However, if the respondent resides in China, the Board cannot hear the claim and you should not file an amended claim.

To submit an amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the “Amend claim” button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the “Documentation” page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the “Review” page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select “Edit” to revise any entries necessary. Each section of information has an “Edit” button, which will take you back to that section so you can make changes. After you make changes, you can click “Save & review” to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “Digital signature” box near the bottom of the “Review filing” page and click “Agree & submit.”

If you have questions, please contact [asktheboard@ccb.gov](mailto:asktheboard@ccb.gov). Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at

reduced or no cost, please visit the **Pro Bono Assistance** page on ccb.gov. You may also refer to the **Compliance Review** chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney